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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

VU, THONG N

ART UNIT

PAPER NUMBER

2666

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/246,653

Applicant(s)

NOUZOVSKY ET AL.

Examiner

Thong N. Vu

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☒ Claim(s) 1-18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. In the abstract of the disclosure, line 17, the phrase "It turn" should be changed to --- In turn ---. The same problem exists in Detailed Description of a Preferred Embodiment, line 8 of page 4.

Claim Objections

2. Claims 1-18 are objected to because of the following informalities:

In claim 1 line 13, the term "or" should be changed to --- of ---. The same problem exists in claim 7, line 10 and in claim 13, line 14.

In claim 9, line 2, the term "medium IR" seems to refer back to "medium IR" recited in claim 8, line 4. If this is true, it is suggested to change "medium IR" to --- the medium IR ---. The same is true with the term "medium IR" in claim 15, line 2.

In claim 13, line 6, it is suggested to delete one of two semicolons.

In claim 13, line 14, it is suggested to delete symbol (c) because it has no meaning.

Claim 2-6, 8, 10-12, 14 and 16-18 are objected to because they depend on the objected claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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3. Claims 7-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 7, line 5, "the processing device" has no antecedent basis. The same problem exists with the phrase "the multiple data transport protocols" in claim 7, line 8, and the phrase "the processing module" in claim 13, line 5.

Regarding claim 15, the phrase "e.g. preamble, start and stop flags" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claims 8-12, 14, and 16-18 are rejected since they depend on the rejected claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Dinwiddie et al. (U.S. Patent No. 6,481,013).

A. Regarding claim 1, Dinwiddie et al. disclose a system and method for communicating information comprising steps of:

- a. receiving formatted data anticipated by the step of receiving signal using IR transceiver, as taught in the reference in column 13, line 16.
- b. decoding the formatted data in accordance with a second data transport protocol anticipated by the step of exchanging data between USB protocol and IrLAP protocol, as disclosed in the reference in column 12, lines 6-10.
- c. decoding the first formatted data in accordance with a first data transport protocol anticipated by the step of converting data from USB protocol to IR protocol, as taught in the reference in column 12, line 9.

B. Regarding claim 2, Dinwiddie et al. teach the multiple data transport protocol including an universal serial bus USB protocol and an infrared IrLAP protocol in column 12, lines 6-8.

C. Regarding claims 3-4, Dinwiddie et al. disclose the first protocol IR and the second protocol USB anticipated by including a bi-directional network signal exchange between USB protocol and IrLAP protocol in column 12, lines 6-8 and lines 25. The step of decoding an IR frame delineation information including identifying header and IR frame length information is anticipated by the IR/IrDA strips out the payload portion of the IR frame, preserving the address and control bytes as well as any optional data content, and converts it into IrLAP formatted frame as taught in the reference in column 14, lines 24-27.

D. Regarding claim 5, Dinwiddie et.al. disclose the step of identifying the first and second data transport protocol anticipated by the step of initiating the exchange of information in the form of a transaction between USB and IR protocols, as taught in the reference in column 11, lines 18-20. *

E. Regarding claim 6, Dinwiddie et al. disclose the step of altering a portion of the data anticipated by the step of reformatting the payload into an IR frame format as taught in the reference in column 18, line 50.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinwiddie et al. (U.S. Patent No. 6,481,013) in view of Young et al. (U.S. Patent No. 6,434,644).

A. Regarding claims 7 and 13, Dinwiddie et al. disclose:

- a processing module corresponding to a microprocessor as taught in the reference in column 9, line 59.
- memory coupled to the processing device corresponding to a re-writable memory storage device connected to the microprocessor thru a bus as taught in the reference, in column 10, lines 4-5.
- and the steps of:

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- a. receiving formatted data anticipated by the step of receiving signal using IR transceiver, as taught in the reference in column 13, line 16.
- b. decoding the formatted data in accordance with a second data transport protocol anticipated by the step of exchanging data between USB protocol and IrLAP protocol, as disclosed in the reference in column 12, lines 6-10.
- c. decoding the first formatted data in accordance with a first data transport protocol anticipated by the step of converting data from USB protocol to IR protocol, as taught in the reference in column 12, line 9.

However, Dinwiddie et al. fail to teach either memory or storage medium for storing operational instructions. Young et al. from the same or similar field of endeavor teach the memory provides storage of instructions and data for programs executing on central processing system, as disclosed in the reference in column 3, lines 29-31.

Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to combine the communication system as taught by Young et al. in the data communication device of Dinwiddie et al. The motivation for using this memory with stored operational instructions is being that providing fast execution of signal processing.

B. Regarding claims 8 and 14, Dinwiddie et al. teach the multiple data transport protocol including an universal serial bus USB protocol and an infrared IrLAP protocol in column 12, lines 6-8.

C. Regarding claims 9-10 and 15-16, Dinwiddie et al. disclose the first protocol IR and the second protocol USB corresponding to a bi-directional network signal exchange between

USB protocol and IrLAP protocol in column 12, lines 6-8 and lines 25. The step of decoding an IR frame delineation information including identifying header and IR frame length information corresponding to the IR/IrDA strips out the payload portion of the IR frame, preserving the address and control bytes as well as any optional data content, and converts it into IrLAP formatted frame as taught in the reference in column 14, lines 24-27.

D. Regarding claims 11 and 17, Dinwiddie et al. disclose the step of identifying the first and second data transport protocol corresponding to the step of initiating the exchange of information in the form of a transaction between USB and IR protocols, as taught in the reference in column 11, lines 18-20.

E. Regarding claims 12 and 18, Dinwiddie et al. disclose the step of altering a portion of the data corresponding to the step of reformatting the payload into an IR frame format as taught in the reference in column 18, line 50.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong N. Vu whose telephone number is 703-305-6959. The examiner can normally be reached on Monday - Friday; 8:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 703-308-5463. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9313 for regular communications and 703-872-9313 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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T. Vu
November 15, 2002

Seema S. Rao
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Supervisory Patent Examiner
AU 2666
11/15/02